

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

ELK GROVE UNIFIED SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH Case No. 2014120223

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
MEDIATION, PREHEARING
CONFERENCE AND HEARING
DATES

On December 15, 2014, Parent, on behalf of Student, filed with the Office of Administrative Hearings a request to continue the dates in this matter based upon Parent's illness and desire to obtain legal representation. On December 19, 2014, the Elk Grove Unified School District verbally informed OAH that Elk Grove does not oppose a continuance.¹ This is the first request for a continuance.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

¹ Elk Grove's counsel informed OAH staff that Elk Grove had proposed dates for mediation (January 8, 2015) and hearing (February 17 through 19, 2015) to Parent. However, the parties have not agreed to specific continuance dates, and OAH is unable to accommodate the suggested hearing dates.

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

☒ Granted. All dates are vacated. This matter will be set as follows:

Mediation: February 10, 2015, at 9:30 a.m.

Prehearing Conference: March 9, 2015, at 10:00 a.m.

Due Process Hearing: March 17, 2015, at 9:30 a.m., and March 18, 2015, at 9:00 a.m., and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

DATE: December 19, 2014

/s/

THERESA RAVANDI
Administrative Law Judge
Office of Administrative Hearings